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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No. 651 of 1999

Petitioners

1. The State of Chhattisgarh, Through the Secretary, Deptt. of Irrigation.
2. Chief Engineer, Department of Irrigation, Durg (CG).
3. Sub Divisional Officer, Electrical & Mechanical Sub-Division (Light, Machinery), Irrigation Department, Durg.

Versus

Respondents

1. Umesh Kumar Sharma, Son of Bharatlal Sharma, aged about 29 years, Asstt. Mechanic, Irrigation Deptt. at Chhuikhadan, Rajnandgaon.
2. State Administrative Tribunal, M.P., Jabalpur, through its Registrar.

Present :- Shri Sanjay S. Agrawal, Govt. Advocate for the State/ petitioners.

Shri Ashok Das Vaishnav, counsel for respondent No.1.

ORAL ORDER
(Passed on 3rd April, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

The issue raised in this writ petition lies in very narrow compass. The petitioners are aggrieved by the order passed by the State Administrative Tribunal ("the Tribunal" for short) in O.A.No.1211/92 dated 27-2-1998. By the impugned order, the Tribunal has directed the petitioners in this writ petition to regularize the respondent No.1 namely Umesh Kumar Sharma in the post of Mechanic Grade-I instead of in the post of Assistant Mechanic.

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2) It is not in dispute that the respondent No.1 herein was appointed as a Mechanic Grade-I on daily wage basis some time in the year 1979.

3) The State Government has issued several circulars dated 23-12-1987, 29-12-1987 and 21-12-1989. These circulars are in favour of the daily rated employees. In all these circulars, the State Government has made it clear that if a person is appointed to a particular post on daily wage basis and when regularization has been done in the particular post, it requires to be done on a particular post irrespective of the educational qualification.

4) By an order dated 30-4-1990, the petitioners herein posted respondent No.1 herein as Assistant Mechanic. Aggrieved by the said order, the employee was before the Tribunal. The Tribunal keeping in view of the circulars issued by the State Government dated 23-12-1987, 29-12-1987 and 21-12-1989 and also keeping in view the fact that respondent No.1 was appointed sometime in the year, 1979 as Mechanic Grade-I on daily wages basis has allowed his application and directed the petitioners to regularize the services of respondent No.1 as Mechanic Grade-I.

5) Having gone through the circulars and also the order passed by the Tribunal, we are of the firm opinion that the Tribunal has not committed any error in directing the petitioners herein to regularize the services of respondent No.1 as Mechanic Grade-I, not as Assistant Mechanic. In that view of the matter, the impugned order passed by the Tribunal does not call for any interference of this Court. Accordingly, the writ petition is rejected.

Ordered accordingly.

Sd/-
Vijay Kumar Shrivastava
Judge

Sd/-
Chief Justice